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Interview with Victor C. Krumm

Stephen Conn

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Summary

Victor C. Krumm, district attorney in Bethel, Alaska from 1976 to 1979, was interviewed on October 28, 1978 about the numerous difficulties in enforcing state liquor laws and local liquor ordinances in Bethel and the villages of the Yukon-Kuskokwim Delta in southwestern Alaska. According to Krumm, the authority villages formerly held to solve their own conflicts was removed due to constitutional rights guarantees, but gaps in the law and insufficient judicial and law enforcement resources in the bush leave villages without the ability to preserve social order.

Additional information

This is an uncorrected transcript of a taped interview. It contains misspellings of some place names and personal names, as well as numerous lacunae and handwritten corrections.

Victor C. Krumm, an attorney with the Alaska Department of Law from 1976 to 1987, served as district attorney in Bethel (1976–1979), Ketchikan (1980–1981), and Anchorage (1982–1987).



CRUM: One of the problems we have with a place like Red Devil is that the village is extremely tiny. It is controled by the liquor interests in that town. Red Devil is basically run by the Vanderpools. The Vanderpools can do a couple of things that other people can't do. 1) they own the liquor store 2) there is not another village within about 10 miles. If I recall correctly there is some liquor provision that says that protested applications or renewals of licenses have to come from people within 5 miles. In any event, whatever the distance is, the people that would want to protest - and I've heard protests ^{from} Crooked Creek and from Sleetmute or Stony River (Idon't remember which). Those villages which are most directly impacted are the villages that have no vote because they are outside the jurisdiction under Title IV - they are too far away. At the same time, they are close enough so that people can get there by boat. We have a lot of drownings; a lot of deaths. Crooked Creek, Stony River and Sleetmute are 3 of the very worst villages for deaths that we have up here. More people die in fires, in drownings - a lot of drownings up there with alcohol - many on the way back from Red Devil. A lot of shootings, and it's because they're close enough to Red Devil to get in and out. At the same time, the villages a little bit farther away - particularly the Indian villages -over on the Unoko and the Yukon. Those folks charter. They do it differently than Bethel does. For the most part, they know enough to charter rather than have a lot of bootleggers in their own town. They do charter, and people go together on orders, when they charter to Red Devil. These villages are Shageluk, I think all the Indian village~~5~~and Holy Cross and Grayling - all do that as far as I know. I know Shageluk does becuase it's the village I'm probably most familiar with. I'm sure that that's the way most of the others do it. The town of Red Devil and the Vanderpools, of course, are one and the same. The Vanderpools also own a flying service out there. They also are now located in Aniak as well as Red Devil, so the ties between Red Devil and Aniak are getting stronger. They're not very far apart anyway - they're about 20 minutes apart by air. The liquor can be

Crum (cont) transportated that much easier. Consequently, by owning the liquor outlet as well as the transportation means, as well as being basically insulated from the law, Red Devil is ah.. anything is unenforceable. You can't go in there. Even if you tried to go in there and enforce over ten gallons - it's all cash sale. They don't keep any records - no record keeping is required in this state for sales. You're not allowed to sell more than 20 wine gallons (10 or 20) at one time. Whatever the limit is, if somebody goes into any liquor store in the State and wants to buy more than that, the liquor simply rings up - they divide it into the proper number of maximum sales and ring them up one after the other. That's traditionally the way things go. Linda Brown found that out when she went into Brown Jug a couple of years ago, and checked it out. We can't prove a darned thing.

Getting at somebody . . . There is a maximum amount, period, for intoxicating liquors and the amount that can be sold at any one time in this state is 20 wine gallons. 20 wine gallons is a phenomenol amount of alcohol when you are talking about fifths.

Conn: How many cases would that be?

Crum: 100 5ths. A little over 8 cases. If you go in and buy 8 cases of liquor at a time. A case of liquor will run right around 37 pounds. That's about 396 lbs for 8 cases - 300 lbs. Yet, I have been told by MANY sources up here that airplanes will come into the airport completely grossed out - 1500 lbs at one time. It is clear to me that they are bringing in as much as 5 times the quantity. Assume that the person that brings in 200 lbs , so you're looking at something like 4 times the quantity, so they're making an illegal sale every time, when they load up the airplane.

Conn: You're talking about somebody coming in from Red Devil?

Crum: Or Platinum when it used to be wet.

Conn: How did Platinum go dry?

Crum: I don't know precisely what happened. There were a couple of things that happened right at the same time. One was . . .

Conn: I noticed going through that when they were open the rate of trooper arrests for Goodnews Bay shot up phenomenolly high.

Crum: It's really bad. Platinum's Manager - I talked with him about a week ago - He became the manager just before the village went dry. I think they had just had their elections. He tells me that Platinum serves several villages. They get an awful lot of business from Quinhagak, Goodnews Bay, as far down as Togiak and Newenham, that kind of area right there. They service everything. They provide oil for many of those people. They provide furniture, groceries (volume of about \$10,000 a week). They provide a lot of services that are going out to all these villages. Consequently, a lot of people are utilizing Platinum. That meant that when Platinum had the liquor store, that as a spin off of coming in for anything else, you would utilize the liquor store. Before Platinum stopped selling liquor last year, the liquor store manager, who manages every other store in town, they're all run by the same outfit, told me that one day there were ten airplanes sitting on the runway filled with liquor that he had sold to them. He had loaded up ten of them. Now it's clear that if he has done that, he has made 10 illegal sales because of the maximum number of gallons. We're talking about a phenomenol amount of alcohol that went through there. There were a couple of things that happen in the town. The first one was that when the town was wet, there was an arrangement where the locals weren't serviced by the liquor store to any great extent. Many of the sales were geared to outside to prevent problems inside the village. The village got sued over that. Several villagers sued the liquor store over that.

At the same time, I began to hear that Platinum liquor store had been sold to Swanson's. They began to sell to anybody, because they didn't think they could discriminate. It was bought out in early 1977. When the sale sale actually took place was early '77. Platinum's problems mutliplied immensely - a lot more drunks than they had traditionally. The town went dry, 14 to 6.

That's a tiny little village. Imagine the impact that 14 people could have on the entire area, because those 14 people when they said go dry, that stopped 10 airplanes that were sitting there - they're not going to be down there anymore. That's the kind of impact we're talking about.

Conn: Than you should see a tremendous change in Quinhagak and Goodnews Bay - those satellites.

Crum: Yes, we don't have any problems anymore in those villages. We have very few problems with Quinhagak and Goodnews - we don't have any problems with. We have kids that are giving us trouble, because of something emotional.

Conn: I can show you this list that I broke down : it was the up-river athabaskan villages, as far as trooper arrests, this had nothing to do with when they came into town here. It was the up river athabaskan villages such as Hooper Bay and Goodnews Bay where the high ratio to population of arrests occurred.

Crum: I don't know what it is like now, but I never have any problem with Goodnews Bay anymore. I can't remember a case from Goodnews Bay for a very long time. We had some juveniles that had been drunk occasionally. They're emotionally disturbed to begin with. The adults we haven't had any problem with since Platinum went dry. Hooper Bay has always been a problem, but now that Hikle is gone and Witthaus. The interesting thing about this guy Witthaus is that he's connected with Fay Short: when we busted Donna Hampton, inside the house was a rent receipt to Cal Witthaus, who gave his address on the rent receipt as Hooper Bay. I talked with Cal Witthaus about this, and he indicated to me that while he was there, he was trying to set up a dry cleaning business or a laundry, or something in Bethel. He simply rented this house, and he never showed up. He says he didn't know who was living there. B.S. In any event, Witthaus is back in Anchorage. As far as I know, Mark Hikle is not around anymore. I don't know that for a fact. When they were out there, we were having a lot of trouble. I haven't had enough problems with

Hooper Bay to count in the last year since they got rid of Hikle. Brother Bob and Sister Cathy left. All I know is that we don't hear anything from Hooper Bay anymore. I think that that source has dried up. If it hasn't, it has cleared up considerably.

Much of the liquor we were seeing in the upper Indian villages, like Anvik is coming from an illegal charter service - Byron Walton is his name. He has an airplane, and I don't even think he has an ATC permit. He's not a charter pilot, I don't think. He was chartering people, in any event. Chartering fish, chartering booze, and selling a phemomenal amount. He bought a brand new airplane as a result of selling liquor, too. The town has gotten on his act, big, and there have been a few shootings over it. As recently as two weeks ago, somebody overturned his truck and burned it. Violence is getting rampant, but they are stopping the alcohol in the village. The village is badly divided at this point. We are getting vigilante groups a little. It's partly because of personality, family disputes, but partly it's the antipathy to the alcohol a little bit.

Conn: Going back to the Red Devil thing. You're trying to deal with the Bethel problem. There's no trooper in Red Devil is there?

Crum: No, the closest trooper is in Aniak.

Conn: Is there any policeman at all in Red Devil? Maybe there should be a law that if there's a liquor store there has to be a policeman.

Crum: I don't think it would do any good.

Conn: A policeman could sit there and watch and stop large shipments from going out. If all the policeman did was sit down at the airport and watch to see if a whole plane was being loaded up with booze, and make an arrest on that. That's all you're talking about. Assume that there's a legal source of booze; there's already a law on the books that says you can't buy more than 10 cases at a time.

Crum: That's true, but that would be virtually unenforceable as having signs in the door that say we don't sell to 19 year olds. Nobody can enforce those laws anymore than that. The problem is putting a policeman at Red Devil - he would not be able to leave, of course, because as soon as he left - everybody would know that he left. The radios would start crackling - the cop is gone - come on in. I know that's the way it works with fish and wildlife people. They're spread out so few and far between that what happens is that we may go one direction, people get on the airplane radio and say they're going over here, and everybody goes in the other direction. That's just traditionally the way it works out here. They do the same thing. Here Vanderpool owns all the goddamn airplanes out there. There would be no way for that cop. What you're doing, basically, is having a police officer. There is never - I have never since I've been here had a complaint out of Red Devil. So you'd be putting a police officer there simply to spy, and nobody's ever going to justify that - having a police officer there that would not ever make an arrest. That's what it amounts to - it's not feasible.

Conn: I think perhaps what would be feasible would be to talk about an impact, and discuss it in terms of that.

Crum: I think I wrote something like that to somebody, not quite that way, but that we ought to change the rules a little bit, so the villages that are affected would have some voice in what's going on.

Conn: That's what they've been screaming about for years.

Crum: There's something here somewhere. It bothered me last year when we went through this stuff and

Conn: The nearest trooper is at Aniak?

Crum: Yes, Look at section 4.10.310 in the statutes. " No license for the sale of intoxicating liquor may be issued in any area which is 50 miles or more from the incorporated boundaries of a city/town, so on, unless the signatures of 2/3 of the bonafide residents, 21 years of age or over, residing within 5 miles of the nearest post office is filed with the board asking

that the license be issued in the area.

Conn: That's the unincorporated.

Crum: I don't even know if Red Devil is incorporated.

Conn: The case many years ago, the Cantwell case, where primarily athabaskan lived, and apparently more whites had moved in than the athabaskans had counted. Sure enough, most of those whites signed a petition. All of a sudden, whammo, a liquor store opened up in their midst. They complained about it, but they had gone by the statutes. The athabaskans discovered there were a lot of whites living in their midst. That's a case where... There was another case at Talkeetna recently where there were a certain number of people against it, and the ABC Board simply pushed it aside. In your situation it's even worse.

Crum: Yes, because they're no unincorporated. If they're incorporated, the five mile radius isn't even that, I think it's only a mile. Consequently, what you need to do is...Particularly in a place like Red Devil that has a population of about 50 people, if that many, and half of them are kids, they're not going to vote. The other half are Vanderpools, so...

One of the things that happened when people became second class cities. I think that people were mislead badly. They were under the impression that they could have all these ordinances, they could enforce . I know darn well because I talked to several villages that one of those ordinances was liquor control. As it turns out, they can't control a darn thing with liquor. They could not make it against the law. They can't put any kind of criminal penalty on it, because if they did, they'd find themselves in a position of going bankrupt the first case they tried and had to pay for all the attorneys. They're not geared for it. They don't have the magistrates out there.

Conn: Even more than that, if you look at that statute, I think that's 4.15.070 It implies that municipalities shall make ordinances in furtherance of the ...

The language is in furtherance of the supply of liquor. I think an arguement could

made in furtherance of. In order to allow the liquor business to happen. An argument could be made that if people went dry officially, they no longer have the right to make liquor ordinances. It's mind boggling. I don't know if anybody's made it, because I don't know if it's mattered to anybody. If I were the attorney for the other side, I would say, listen if you prohibited the business of selling liquor in your community, you may not make any ordinances governing any of this stuff. In other words, you can't start talking about drinking in a public place or any variety of things - normal police type ordinances. That's totally fucked. That's the tenner of Title 4. If you opt out of the business of liquor, you opt out of a tax revenue, you opt out of anything. I don't know if anybody's made that argument, maybe they haven't had to.

Crum: Apparently they haven't had to.

Conn: What kind of municipality - assuming I'm wrong about that. They can make regulations about drinking in public can't they?

Crum: The open bottle ordinance is what we're talking about. I assume they could make drinking in public also, I don't see any problem with that. It's not a status, it's an affirmative act - it's conduct that they're prohibiting. That's about the extent of it, and that's the old Disorderly Conduct or Drunk in Public phrased a little differently to make the fiction now that we didn't do years ago.

Conn: As a general proposition, you're not having enforcement of these ordinances unless they be magistrates or village councils.

Crum: The villages for all practical purposes don't have them. They enforce the rules out there basically through peer pressure.

Conn: That's the essence of village council, well, it's two fold. Peer pressure on one side and credibility on the other. If they say to outsiders: take this man out. I think that's being totally eroded by the OR. The new justice system.

Crum: The new justice system is fuck~~ing~~ing up. The interesting thing about

that is last year, maybe early this year, I received a call from a young man from Napaskiak or Napakiak. He said that he had gone to the village with a couple of bottles of liquor. The village had an ordinance that prohibited that. They took it from him, and they poured it out.

Conn: Probably Napakiak, they're a lot tougher assed than ... Napakiak's conservative.

Crum: Anyway, he called me and said do they have the right to do that. I told him that I didn't know what the ordinance said. He said that he would like to know if he could sue them for that. That is a person totally. That concept is brand new. Nobody ever would have thought of that until our criminal justice system got out there. People suing other people, as they are doing in Bethel. Of course, if that happens, it will be the last time that any village out here has the courage to cease liquor and pour it out. It won't happen again.

We see that with the police officers in Bethel. They've been sued on a couple of items, and consequently they don't know what they expect. Their enforcement has just dropped tremendously in several areas out of fear that they're going to get sued. The villages are extremely worried about being sued, because they figure that they will just go bankrupt and lose everything they have. As it turns out, they have nothing, but they don't know that.

Conn: Do you like to be sued?

Crum: Clearly, not. Practically speaking, it doesn't make any difference, but you don't want to go through that.

Conn: I've seen the same thing. There were two places I've seen a situation where a person in Selawik and a person in Savoonga went to legal services. They were both booze related. One was a pool hall regulation and the other was a guy who had booze, and he said the village council president has booze in his house, why are they picking on me. Let's face it, the village councils don't apply equal justice. They pick their targets according to whose going to be disrupted. They pick strangers, and marginal types who are not subject to

the same peer pressure because they wouldn't go in anyway. In both these cases, Van Winkler and different people wrote letters to the village council and scared the shit out of them. They didn't sue, they just wrote lawyer-type letters ...mean.

Crum: ... an area of 57 villages. Less than a year ago we had two wet villages with a total population of 100, maybe 150 people. I think there are 85 people in Platinum. There is virtually nobody. When you get a voting population of somewhere around 20 that can dictate whether there is going to be liquor in every dry community within airplane radius (charter radius) of there, it's got a phenomenal impact. Title 4 doesn't speak to that one bit. People in Juneau and Anchorage have absolutely no conception of what we're talking about.

Conn: This is not a question of giving people an opportunity to make their opinion known, this is franchising people on this question.

Crum: That's precisely right. Eleven people, one way or the other, can decide what's going to happen in every village that's dry. If you're talking about 1500 lbs. times 10 airplanes on one day. That's 15,000 lbs. of alcohol that's going into a dry area - it can't be going into a wet area. There is no wet area within reach of those airplanes that's wet. They have to be going to dry areas. There's no other place that they can be going.

Conn: Let me make one point there. You were mentioning the business of ordinances and inability. Just given the level of legal sophistication and representation of these municipalities. Again this fiasco of the second class city. I bet you that many of these villages have not gone legally dry.

Crum: They've never had a liquor license - you're right. They've never, we could never prosecute. For example, when we have villages such as Chevak, and when we get liquor sales in Chevak, we don't charge them with sale in violation of local option. We charge them with selling without a license. None of these villages ever had liquor licenses. The only villages that have had liquor licenses in the past have been white controlled. It's not the natives haven't gotten the liquor licenses. I think Vanderpool - obviously somebody was white somewhere along the line. Most of these are like roadhouses or mines

like Platinum. They got a liquor store - in the old days you could get them just by applying for them - and of course they have kept these grandfather rights all along the line. None of the Eskimo villages ever had liquor before, or the Indian villages, except they were probably a couple of Indian villages that might have years and years ago. I'd be surprised, though, because the Indian villages that had white influence, like St. Mary's - I think St Mary's is actually Eskimo - was dominated by the Catholic church. In fact, it was set up by the Catholic church. Consequently, I don't think they ever had liquor stores. The only liquor stores that we've seen out here have been on trade routes or something like that where they... Well, the only liquor stores we had out here were the two mines. Red Devil, where there's a mine, and Platinum, where there's a mine. It was for the miners that they were bringing it in from outside. Of course, the rationale for having the liquor for the miners is long gone, since the mines are no longer functional. The Eskimos and the Indians right now, the folks that nobody ever considered in the old days that are being impacted right now.

Conn: If a serious legal strategy is imposed, then these villages that never had liquor stores - would they have to officially go dry. They never had a liquor store. Let's suppose a guy with a license. I guess the license is tied to what locale there is.

Crum: The license can only be in a certain place.

Conn; So someone can arrive in Chevak, and he wants to obtain a license.

Crum: They have to have a specific place in Chevak, first of all, to put it. You can't just put it in Chevak. For example, Brown Jug can't just move across the street in Anchorage. It's tied to a specific place.

Conn: But he comes in and he wants to establish himself, so he says he's going to, at that point, would there have to be a vote as to wheter or not...

Crum: No, I think, if the town. No, I don't think so. I think that if any of these villages that have never voted - I think all they have to do is make

application. I think that's what happened in Crooked Creek. I mean Luffberry will be here at noon, and we can ask him about this, because he did that last year. The Crooked Creek - Dennis Brown of Crooked Creek who owns a little house in Crooked Creek tried about a year ago to set^{up} a liquor operation, and it was beaten back by public opposition in a hearing. Eddy Hoffman went up there, and raised the roof on behalf of AVCP, and that kind of thing.

Conn: The ABC Board could go the other way on a case like that. In other words

Crum: I assume that they could, but you have the public hearings to find out what the public wants, and if they don't think it's in the public's interest...

Conn: But until there's a licensed establishment, one can't go dry.

Crum: I don't see how you can go dry if you've never had a liquor store.

Conn: In other words, it wouldn't be a referendum, and then say we'll go dry, so you might have to have a liquor store before you can go dry.

Crum: Well, no. There are two ways of going dry. One of them is to have been wet and go dry.

Conn: There are many second class cities that have never had a liquor store. Can they prohibit one without even anyone coming in - when there's just talk of perhaps one ever being prohibited. Go through a referendum and vote process and prohibit one before it even exists.

Crum: I don't know.

Conn: That would^{be} another loophole in the law.

Crum: The only thing, of course, that would prevent that. I know people have talked to me about that - how about if we went out onto the river and set one up someplace. People have thought about it. One problem is that there is no land out there. That's one of the major problems - that people don't have any land out there. A second problem - you need an air strip. You'd never make it work unless you had an airstrip.

Conn: I'm thinking particularly of unincorporated cities.

Krumm: I don't know if anybody has every thought of it or not, I can't imagine that it hasn't crossed somebody's mind. The reason that nobody has ever seriously considered it is the pressure from the natives - from the villagers. People want booze, but they don't want it sold in their own town. A lot of people come to Bethel to hang around. There's a song like that out here, and to come to Bethel where the problems are - you're willing - you figure, well, those folks from Bethel can tolerate the problems a little bit. When we go back to the village, everything's good. You let your hair down in Bethel a little bit, but you don't want to have the Bethel type problems in your own village. Consequently, they don't want that - they don't - they're very adamant about not wanting liquor in villages. You've seen the letters I gotten, like Chevak, extremely adamant - What can we do about this?

Conn: Yes, I became aware that you had a letter from Chevak looking at the correspondence from Chevak.

Krumm: I haven't gotten letters from too many villages, just a few of them. Chevak has written two or three times, and I've always passed those on up the line.

When I talk to villagers, almost every time they say "What can we do for second class cities? What kind of ordinances can we make?" It's clear that they don't feel that ... There's several competing considerations. One is that they would like to resolve it on a local level and prevent the guy from coming to Bethel and maybe spending a whole lot of time in jail. They want assuming it's a miner matter. At the same time, there's another competing consideration and that is that they haven't traditionally gotten services from law enforcement authorities, so they've been

relying on the fiction that they have authority, but they recognize that the first time you try to enforce it, there's nothing to enforce. That kids say "Screw you", and they ask me, "What can you do when a kid says "Screw You"?" Of course, I haven't an answer for them. They can either bring it to Bethel or else they just have to let it go by the boards, I assume, unless they just want to take the kid to the council and yell at him for awhile. That's basically all they can do. They haven't any authority from their second class city status.

Conn: You mean unless they want to buy into providing attorneys and all that nonsense , or unless they have a magistrate.

Krumm: Even so, if they wanted to make it a criminal. The first thing is if they tried to fine for it, and the kid doesn't pay, how do you enforce it? There's a common fiction, or maybe it's true that you can't put anybody in jail if he doesn't pay a fine. The law doesn't say that. The law say you can put him in jail if he doesn't pay the fine, if he has the money. But, I know that even with our Judge Cooke, he never bothers to find out if they can afford \$50 or \$100. They simply come in and say "I'm indignant". It doesn't matter they have just bought \$100 worth of liquor, they've got enough money for that. He never goes beyond that and says you will pay \$5 a day, or you are going to stay in the bucket. The villages are the same way, How do you enforce something like a fine? Once they get beyond the fine status, since the fine won't do any good, you get into criminal penalties - jail. Then, as a second class city, they are going to have to get a lawyer, and I don't know who would have to provide a lawyer for the defendent, if he's entitled to a lawyer. I don't know if state public defender agencies are required or not. Probably not.

Conn: Unless they have a contract with the public defender.

Krumm: Unless they have a contract with the public defender, they all have to pay a private attorney. Imagine paying a private attorney when you're in Kwillingok, and paying him from Bethel. The first case you have, his attorney and your attorney could cost you \$3,000. He wants a jury trial, and you haven't got a magistrate.

Conn: On the other hand, the village council is too unsophisticated for the Supreme Court.

Krumm: It's creating a vacuum, that's right, there's a tremendous vacuum out here. The framers of the statutes never envisioned this, nobody's considered the bush. Nobody's considered the bush at all. They talk about second class cities, they didn't think of Kwilliningok. There's no chance. What we've done is, we have taken away the authority that the villages used to have, years ago, in the name of constitutional rights guarantees, and not replaced them with anything. We say we have, but we haven't. We've taken away their protection, which has always grounded upon their ability to solve their own conflicts, but we've not replaced it with anything from the outside because we have basically no police officers that are out there. No magistrates in the village, no idea, they're not part of the western culture yet for law and order. They are to a certain extent, but if it is, it's just by coincidence. They're not geared that way. The village likes to resolve things in a cooperative manner, but our whole legal system is geared adversaries. It's terrible competing interests. If the village would just as soon, when somebody breaks the law, they want to get him in compliance. That's their main idea, not to punish them or scare anybody else, just to get them to comply. If that doesn't work, then they ask for outside help. Invariably that outside help is incapable of really assisting in the way the village needs it.

Villages are ~~perceiving~~ that. It doesn't do any good to just haul their youngsters off to jail for any length of time. Moreover, its even worse because we haul them off, we ~~O.R.~~ them the day that they get Bethel, they go straight back home and often ~~they'll come~~ ^{they'll be} they'll come in on a Monday and ~~back~~ home on Tuesday and by the time they have the trial three months later the village could care less. The problem hasn't been solved. And as one person ~~told me at~~ the mayors *conference last week that* he never learned his lesson. We don't care three months later what happened, but if you keep him in jail for a few days, and then let him out without trial **I**f you just keep him in jail for a few days, he'd learn something. But all you're doing is teaching him to say not guilty. And they're not learning anything. They come back to the village and they say to us ~~we~~ "prove it." It puts us in a tough situation.

~~They're~~ losing their youngsters because they come into Bethel and, instead of acknowledging their guilt, which is really the first step towards getting back in certain narrow they say they're instructed by the court and by their defense attorney to say not guilty no matter what it is, no matter how minor it is. They are instructed to plead not guilty which is the way you learn in law school. Never to let your client to plead the first stay. That's why you are there. But, its their *counterbalancing* social forces out here, particularly for the very minor things, where it seems to me the village culture is, when you screw up, you acknowledge it and then you go back and you pay whatever penalty you have to pay and then you go back home and everything is okay again. You've learned your lesson. We're *CoNN:* not doing that. *Keunni: That's right,* Its towards renewing your social contract. Were destroying the social contact and that's the real disaster. Nobody has ever really looked into it. The impact on the world community on social conflict we had with the people. Thats the most important thing I see. Okay that's all that I got.

If you could just look into the alcohol problem that would help. It's not an easy problem, as you say its not just selling liquor. That's not the problem, it is all the effects of the alcohol. I have suggested to my office for a long time

to bring an investigator up here to simply concentrate on that. I have also talked to a couple of ^{ABC} investigators who meet from the Office of the Directory that perhaps ^{having} ABC Board station somebody ^{in a dry town}. There are only five investigators in the whole state right now. Four of them and one superior. Although there is an additional position ^{a 5th position} funded, they're all stationed in Anchorage and Fairbanks and it strikes me that either the department of law or Public Safety or the City of Bethel or ^{person (law) who would be in} someone ^{agency} that could ~~could~~ ^{should} be funded ^{should} come to an area like Bethel simply to pull all the resources together to concentrate on this problem. The more liquor in Bethel the more ^{there} is in the villages. There's social problems that you have to deal with legal problems, the whole shebang and somebody needs to ^{come out and} concentrate on the interplay between the statutes and the effectiveness of the enforcement. The city council has been approached. My office hasn't gotten any tremendous support. My position on that, ^{CONN: what about} in my office, I don't think anybody... the city council?

I talked with the city council a couple of days ago and I got the Police Chief in my corner on this one. His name is Randy Cry. He's ⁱⁿ my corner a little bit, he thought it was a good idea, ^{to} perhaps assign somebody specifically to handle the problem of alcohol. On the assumption that ^{1) the} town wants to be dry, at least legally dry and ²⁾, that we're not resolving the problem the way it's set up now because the outside agencies aren't going to be of a tremendous help and ³⁾, the problem, ^{if you're} going to ^{handle it} internally ^{it} is the major social problem. At least one of the causes of the social problem is alcohol abuse, ^{out} consequently it's kind of a cost ^{to} doing business. If you're going to be dry, one of those costs you have to ^{detail} somebody specifically ^{to} look into that at all times. Because you can't keep the illicit sales down. They are fairly responsive ^{and are going to}

^{Whether} they're going to do anything about it, I don't know. ^{I didn't have the whole council there - I had 7 out of 9, Anyway} Everybody was there but two. They sounded fairly responsive to the idea.

One of the first arguments was where are we going to come up with the funding ^{on} this, ^{that's the old argument} you get the State, to ABC, city government. Well that's going to be an argument that they have to figure out an answer to.

Were spending many times over the cost of the investigator on just the results.

In effect trying to alleviate the results a little bit. ^{CONN:} Most of the local police and troopers ^{aren't} are doing this as a matter of ^{course?}

Krumm: Well no, first of all the troopers are not stationed in Bethel, they're here in Bethel but they service the community. They don't do anything in Bethel themselves. The police dept. is really overworked and a lot of the work they have to do takes all the time just hauling people around. ^{Drunks to sleep off.} Solving civil disturbances, writing reports and they don't have time to sit down. They're are not enough of them. There's nobody capable of, at this point, of ^{just} looking into the alcohol problem. They're too busy doing the other things that are the result of this. It kind of strikes me that we're in a vicious circle. We could hire more cops to haul in more people but it's not going to do us any good. What you need to do is if you could concentrate your resources on ^{the source of the} problem, that is liquor coming in to this town illegally, or being dispensed illegally, concentrate on that you might find that if you were successful that the crime ^{itself} is going to drop tremendously so you would need less police officers for this town. I don't imagine that there are very many towns ^{in this entire country} that have as many police officers per capita as Bethel. We have 8 or 9 policemen for a town of 3500 people plus in an emergency we have another 7 or 8 state troopers. That is a phenomenal number of police officers.

^{F Robisher} CONN: In ~~Profisher~~ Bay is the size of Bethel and has 27 mounties to deal with

^{F Robisher} Bay. They are very well policed, you wouldn't believe their statistics

They hardly have any violent crimes. That's because it's one of those things, there's a policeman behind every corner. They have got nothing better to do than arrest for anything and everything. Canadians have a different notion of Arctic policing. It seems to me as though the troopers could see, obviously many of their arrests are come from liquor flowing.

VIC: They have brought in some outside people,

CONN: So, if they would deal with this Bethel problem as opposed to the garden

variety of Bethel police problems...

VIC: Well, they have. To a certain extent. They're limited really to what they can do because first of all they're not going to put anybody out here full time just to look into that. They're more geared to, this may be an incorrect analysis, but they're more geared - how many crimes are there and how many arrests do we make. Not preventive action. I don't think that ^{there is} a law enforcement agency out here that is geared for preventive law enforcement. I think everything is responsive law enforcement.

CONN: Would Anderson who's had bush experience. And Nix is the inspector there, Burton was ^a loss. I mean that's my personal opinion. Anyway, Burton is gone, and Nix is still there, and those two guys are very sensitive to the bush and understand the logic of the bush. ^{They are approachable, they aren't going} 'They're high in the ranks.' Anderson where ^{he} is...

VIC: One of the problems of Anderson is he's there and I'm here. And I go and talk with Anderson and he and I talk about it and I'm sure he's sincere but he's got a lot of other problems to think about. And I'm not there everyday to call him on the phone and I don't know him on a Hi Tom, this is Vic basis. You don't get the assistance that I would get if I were in Anchorage, ^{as a D.A.} There is no question about it. I mean, they must talk daily in Anchorage. or weekly at any rate. I talk to them once every three or four months, for five minutes on the telephone. Its very formal kind of situation. ^{friendly, but formal} It doesn't help us any. He does of course have to monitor - everybody's got funding problems and budgets restraints that make things difficult because for example, when we had the last undercover man out there, he ^{was} out there six weeks and made five arrests. All misdemeanors, except for one minor felony. All the rest were misdemeanors. He could go to Kenai and run the undercover matter or anyplace else and get 25 drug busts in six weeks. Where are they going to put that man? They aren't going to put him in Bethel, Alaska.

^{people}
huffberry: Okay, so a certain percentage of ^{people} in the village must sign a petition

on these must live with in a certain range of the station where this license is to be ^{operation} I forget, but its different in

CONN: This is an incorporated second class city.

^{Luffberry:} I don't know if Crooked Creek was at the time. There was a clash in the law. There was two different statutes. One controlling the rural and ~~an~~ other controlling the villages. I don't know

^{Krumm:} Thats the problem, you can't even tell where ^{you are sometimes}

CONN: We offer under the ^{more stringent} ~~need~~ to be safe within the five miles ^{to get signatures}

^{it was} very easy for Crooked Creek because everybody lived within a half mile and so we petitioned and there were was opposition to it and it turned out by the time the hearing came Eddie Hoffman flew in from the south and ^{Fredricks (?)} Tiny ~~Robert~~ flew in from the north and Tiny ..

CONN: Who is Tiny?

VIC: Tiny ^{Fredricks} is a native leader from the Red Devil area. I think he was voted to the AFN ^{that area}. He's well known and the native folks in ^{power} ~~---~~ didn't want another liquor ^{license} in that area. And so what happened is that all those people who signed the petition ^{not one} person at the ^{hearing} ~~would~~ testify in favor of the liquor license. It was a ^{miserable thing}.

CONN: So as the ABC Board came in they

VIC: The ABC Board actually ^{went to} ~~left~~ the village in with a very well mature selected out of Anchorage who ^{flew} went into the village. Linda Brown who is the director of the ^{ABC Board} We had a hearing both pro and con ^{on liquor sales in the bush} ^(1-a hearing officer)

CONN: Suppose a they did a mixed deal, like they could have said these two individuals ^{aren't} even from this village, they ^(don't) live around here. You see, they could have admitted to the barroom. Could they have gone and got the license. ^{said that.}

^{I think, yeah, certainly, yes,}
VIC: ^{the} If there had been a showing, ^{but} ~~even if a showing of people~~ I think ^{even at the} ~~would~~ was the ^{majority} of the people favored the license. I would think that ^{we were looking for} ~~would~~ was the ^{standard} ~~disaster~~ the majority of the people that are going to be affected in the

by the license bureau. And, after dealing with ...we actually had a vast majority in favor of it whether or not the local people.... We could have and probably would have.

It costs a great deal ... it's ... It will ... make ... much more available ... Cripple Creek. And come back

CONN: We've done this study; well, the course of this study, like I work with these people/^{up}... You know, people who come in here, waiting population. And you can see a certain number of villages just ... The law of ... don't, you know, why, the upper villages don't .. they don't need to way up here. It's not 50 some villages, but it's a .. of villages which are affected by the existence of bootleggers ... in one place. But the law is not geared that way; the law is looking at/^{it}in the unincorporated areas .. kind of picks a slice . But in the incorporated areas...

VIC: But if, even in the unincorporated areas ... close proximity of the location. Open center.. village. And yet,

CONN: There is a strong argument for a .. system, or some kind of a system that encompasses the problem, in terms of the research. Or it encompasses anything, in terms of

VIC: Well, if they had a system where if we had a largely rural area and an area in which you have to consider the input. If you had, say, a 50 or 75 mile radius in which all the people ... had the right to make comments, and their voice ~~was~~ carried some weight, then it would be, I think, reflect more ... What I meant, too, was I mean

CONN: I'm surprised, it looks like, goes dry, dry; semi-dry; all kinds of things ... The initial reaction is very negative. I thought it related to the fact that there was that prohibition in the early 50's .. buying, selling. Other kinds of racial kinds of slurs. The Indians and Eskimos came over

VIC: ? against ...

CONN: But maybe it wasn't ... the wrong way treatment.

VIC: I think that increased Federal and resources and emphasis. So if you add emphasis you will have less of a problem. In my opinion, that is a lot of money. Just to have . Once in a while

I see a problem

CONN: That's it, a problem. And when you've got a higher than localized problem but your bureaucracy is Department of Public Safety to handle. It's not only it's not statewide.

VIC: ABC, see that's the problem. See, they have their own investigating, .. they have their own request for ...

CONN: Well they have a presence.

VIC: But I think you have one office in the entire state, plus three or four investigators, and possibly

CONN:...the old Fish and Game. Apart from the sensitivity of the thing, just a question, why not let the government see; I mean I've often gone the other direction. Why not let the Fish and Game officers, who have some criminal law problems, some juvenile law problems, spread themselves a little bit, spread their energies a little bit, professional a little

I mean, oh no, maybe they

VIC: You gotta remember the brown shirts don't like to be blue shirts. You can't make one the other yet. Maybe some day you can ^{from the community,} but today it's objection from within and I think also / . They look upon a blue shirt as one thing and a brown shirt as another. If you combine them and make them all one, then you're going to have suspicion ... problems

CONN: That's tragic in a way. ~~Maximum~~ We're dealing with sparse research.

VIC: Well, / ^{they've} spread it a little bit. At least one .. airplanes which has never happened in the past. Fish and Game has ^{Anenena(?)} got an airplane in Antioch; State troopers are supposed to be ^{two} getting / airplanes this year.

CONN: I'm surprised that they could break through the lobby. Rather use that Kotzebue program to bootleg. They bootleg that money. John Angell, in our office, is evaluating that program, and he keeps saying, "Well, they spend ~~loads~~ loads of money and it didn't look like it did much," and I said, yeah, but you've got to look at some of the side benefits. They took the money ... and they got the ability ... which they didn't before, and they're on the ... Sure they were talking to the village council and they were making themselves . It was a secondary payoff

VIC: That's the idea. Plus they have the whole AST office for protection ... detachment out of Nome, and the commander up there, whatever they call the detachment, they bought him a twin-air engine~~plane~~ so he could go between Nome and here.

(TAPE 3)

CONN: On the transportation, I think you are absolutely right.

(CONN continued)

In '75 they were complaining about their air service that late. That group, that cluster, that tier.

VIC: I'm not sure they had; I think that they had as much economic case there; if I'm not mistaken I think wrong; I don't think they have as much commercial fishing and stuff like that as well as resource. I don't think there's that much money involved.

CONN: It's not like Chemak or ...

VIC: No

CONN: Well, it's a combination of things, but it's interesting that not only do they show below in Bethel account, actually they show below in their abilities as far as low in the numbers of arrests, numbers of problems, etc. I mean I get this from the village council ... the Bureau of Public Safety. That's a funny thing you know, when we talk about this business about people coming outside the village.

VIC: Atuchek, when I was there, was fairly quiet. We never had a problem up there, and yet they are very high on incidents of

CONN: What are we talking about

VIC: About '74 - '75, yeah,

SOMEONE ELSE: I always considered Atuch k quiet, too. I don't know what kinds of cases you're looking at, it could just be DC's. It's not the weight of the ... of crimes

CONN: Well, this is not crime. This is just going to the detox center- weight by population, it's no crime at all.

VIC: It's a very quiet village as far as

CONN: A lot of ...locking and

VIC: is quiet in the village, but I've had more experience
with drunks from Quintek.

CONN: That looks like here, and that's Bethel and ... and then

VIC: Necrospiak is/^{a chronic}problem down there than up here only because of drunks, once in a while assault and battery, very, very seldom a knife wound. Almost no serious crime ever occurs but they seem to have problems, and the village/^{where}I was always used to call up for the most ridiculous small things which they should have handled themselves. But their troopers were always occupied, too, and so they called on the minor things. Oscarville has always been fairly quiet, because there are so few people there. It's known to be a drinking village, and there is never much problem. At least I never knew it to have many problems. Too far away.

CONN: I don't know why that shows up, but it probably reflects fishing season or something. Because this is not weighted by when these ~~some~~ things happened; some of these things happened ... fishing season.

VIC: And Monek is about as far away as you can get from the village in the Bethel area, and so you didn't have a whole lot of problems; we had some serious ... but frequent by-problem, I think, is just a lack of service, and the districts. Mopakiak, that's a very quiet place. Part of the problem there is that a guy named Fritz Willy, who is ... fantastic, very dedicated policeman and real tough compared to most of them, that's why Mopakiak is quiet.

CONN: Yeah, now your getting down to the villages that really, they're not showing up very much at all.

VIC: ... is about, I'd say, for a large village, for ... about the quietest. They're the least problem of any of the villages; almost never a problem there. Ulnak, Ulnak can be bad. Not in the severe sense, but.

CONN: In town, or there you mean?
(Unak??)

VIC: I think, down there, Henak you can have some problems down there. I would say that's

CONN: In this town you mean?

VIC: I'd say in Bethel, in ... I think more than some other
Hooper Bay,
areas. .../ back when I was involved, was the worst.

CONN: Well, yeah. Even in this, I mean, these rail and shagrok(?)
these were trooper arrests, and you know ... right up there. Always
if
has been right up there, I mean/this is a big change like you said,
that's amazing. Well, are there any of these villages, apart from
this list here, are there any of these villages here, and some of
since
them I've/~~just~~ discovered don't exist on the map, you know, things
like that, and ... Nitmik, let's forget about Nitemik, are any
I'm mentioning
of these villages/here, probabilities in those villages, they
certainly are not problems

VIC: ...Tochmiak is pretty well run; ~~Tusomakxix~~ Chuviak no; again
Chuvak is ~~pretty much~~ isolated and its away from water for the
most part.

CONN: Somewhere near Hooper Bay

VIC: It's enough distance away that its not an easy trip. Its
about half a day by ... to ... Fonflik, ...Acoutak no major
problam; Russian Mission is not a problem, on the Yukon.

Red Devil, yeah, they have problems on occasion. But not as much
as Amtekna ... for alcohol. maintenance there,
and most of the problems have resulted from Red Devil alcohol ~~xx~~
was from other people coming in, going back and drinking.

CONN: Yeah, that's about it. So basically, you would say
transportation is a major factor. Others just don't show up at

all. Not only don't show up at all, but reading Bill Nixon's reports from the early 70's and says the village police haven't reported any crime in a year in Kitmak, for example

VIC: I would say that sometimes when .. in the early 70's, that half the village policemen didn't know what crime was and SOMEONE ELSE??: Dismiss to ... seems like a clerical mistake. They called me and I said, which is a little bit optimistic, I don't have any comments, but that's a little optimistic to ~~xx~~ as far as this goes.

CONN: You have a feeling that you can go the criminal law route ~~instead~~ as opposed to the civil law route? You going to try that civil ~~law~~ thing? Good for you.

VIC: What do you mean the civil thing?

CONN: Oh I think there's a thing, I don't know

VIC: In a dry area, kind of a public nuisance?

CONN: Oh, that kind of civil thing.

VIC: No, not just that. But also a kind of ... quasi-criminal trafficking, civil suit, saying /. an injunction. Trafficking liquor.

Took me a long time to think of it, doesn't it make sense? Phil.. sure it does.

Phil: It's easier.

VIC: It's easier. Well, we could try to .. But that's not the public record of the case. It came out of Anchorage, we're going to do it out of Anchorage; Anchorage and Bethel both.

Phil: Why out of Anchorage? You mean to stop the suppliers from sending it in?

VIC: No, we're going to do it out of Anchorage. We have, I have a new philosophy: divide and conquer. We're going to divide them up. I got.. Oh, an interesting thing happened. You asked me about

Bayshore and what happened. Dismissed right? I took it back
 to .. for grand jury this week. I got him reindicted again.
 This time, I lurched Harold Jones.. mad about... he's not really
 giving me a whole lot of ... so I subpoenaed him, and I told him,
 a long time ago I tried to get him on our side and he wouldn't
 do it so, ... I told him/~~me~~^{you know}, it's your option, you don't have
 to, but they're making you/~~fall~~^a guy ... Well, then we went over
 and ... all the records, and it ~~was~~ really wasn't, I didn't really
 see them, they came out of ... so that I ... them all on the line,
 but the search warrant came out of the/~~ME~~^{agency} office /~~when~~^{when} I was on
 vacation and I didn't have anything to do with that, but in any
 event, I said, "You lied to me when you came in with a search
 warrant and you told me that you didn't, that it was a jury. You
 know." Well, I said, "IT wasn't. But you, if it wasn't for you,"
 he said, "that never would have happened." I said, "Well, that's
 true. ~~xxxxxxxxxx~~ Well, what do you expect/~~of~~^{from} me?" "I told you all
 along the line I'm going to bust you. I said, but the problem is
 right now (... from the grand jury) before we went in I wanted to
 see if he would testify, cause last time he ... all along the line.
 So, I don't even think we have a judge in town/~~so~~^{this last week} so the first time
 he said the fifth, there was nothing I could do, so I couldn't
 take him in front of a judge, right? So, I said to him, "You seem
 a little nasty about it; I'm not going to talk about you, but I'm
 going to talk about/~~xxxx~~^{this guy's} relationship with ... at the ...
 I'm not going to answer you. He said,/"I am just so pissed off.
 I'm fed up. I don't have to ... to you." I said, "well, that's
 true. But if you don't, if your name is inside that package, you
 know, they probably could, I don't know/~~they~~^{if they will, but} they might consider
 indicting you. I don't know. I'm not interested in it, but they

might be. I'm going to call you in any event. You do whatever you want, but " and then I said, "and besides that, I been telling you all along why that you're being ~~called~~ recalled, called back, and you don't believe that, and I've offered to show you my files." I said, "I've got them right here." The memorandum, you need to dismiss on the ground that this guy was ... DAREl Jones, they named him. So I said, I showed it to him you know, now "Look at this, look at the name of the attorney on this page.
end of tape